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A passage which has given many earnest students a deal of trouble is Cicero Cat. 1.5:

Si te iam, Catilina, comprehendi, si interfici iussero, credo, erit verendum mihi, ne non potius hoc omnes boni serius a me quam quisquam crudelius factum esse dicat.

The first point to note is *credo*. As every one knows, the parenthetical *credo* repeatedly marks irony. As every one knows again, irony gives to a passage, in the last analysis, a meaning exactly the opposite of that which the passage bears on its face. Now, manifestly, in this passage, irony is in order first at *erit verendum mihi*. These words thus mean, in reality, 'I shall have no reason to fear'.

Next, to understand the passage, it is necessary for the moment to disregard *quisquam*; of this word something will be said below. It is advisable also, in our attempts at interpretation, to act, for a moment, as if our sentence ran, *non erit verendum mihi ne non hoc omnes boni serius factum esse dicant*. What would this mean? Plainly, 'I shall have no reason to fear that all loyal citizens will not say of my act, "Too late"'. If one were to say, 'I have no fear (I shall have no reason to fear) that he will not come', every one would understand the meaning to be 'I am certain that he will come'. So *non erit mihi verendum ne non hoc omnes serius factum esse dicant* means, clearly, 'I am absolutely certain that every one will say of my act, "Too late"'.

So far so good. But we have two other things to consider—the balance of the sentence as a whole, and, in particular, *quisquam* and the singular verb *dicat*. Of course the singular verb was made possible by the introduction of *quisquam*. That introduction is, strictly speaking, illogical, and incorrect. Given the affirmative rendering set forth above, 'I am absolutely certain that all loyal citizens will say "Too late"', it is easy enough to modify this sentence by making it run, 'I am absolutely certain that all loyal citizens will say "Too late" rather than "Too cruel"'. Put affirmatively, without irony, this might run in Latin as follows: Pro certo scio fore ut potius hoc omnes boni serius a me quam crudelius factum esse dicant, or Non dubito quin potius hoc omnes boni serius a me quam crudelius factum esse dicant. In neither case is there room for *quisquam*. How, then, did this word find its way into the text? To claim with positiveness that one can penetrate the recesses of Cicero's

mind, and determine surely the exact process by which a sentence like this took final form is of course rash. Still, one can see a way by which *quisquam* might have presented itself to Cicero as a legitimate element of his sentence. If we reduce what is logically the main thought of this sentence to its simplest terms, we find that it amounts to this: 'Every one will say "Too late": no one (not any one) will say "Too cruel"'. That *quisquam* is the proper substantive word for 'any' in sentences which are negative, whether that negative character is made plain by a negative word or is left to the reader's interpretative analysis, is a point too familiar to require discussion. In this sentence an outright negative would, of course, have been impossible, but the negative thought latent in Cicero's mind finds expression, we may say, in the introduction of *quisquam*. Once in the sentence *quisquam* works further havoc, for the modern reader at least, by affecting the number of *dicat*.

In translating we must disregard *quisquam* entirely. We may then render, with irony in English as in Latin, 'I shall have to fear, I trow, that all loyal citizens will not say that such act of mine was too late rather than too cruel', or, seriously, with the irony removed, 'I shall have no jot or tittle of reason to fear that all loyal citizens will not describe my act as too late rather than as too cruel', or, lastly, 'I am sure that all loyal citizens will say that, in doing this, I was too late rather than too cruel'.

In the same way I would explain a famous crux in Horace, Sermones 1.3.120–121. These verses form part of a long passage (117–123):

adsit
regula, peccatis quae poenas irroget aequas,
ne scutica dignum horribili sectere flagello,
nam ut ferula caedas meritum maiora subire
verbera non vereor, cum dicas esse pares res
furta latrocinii, et magnis parva mineri
falce recisurum simili te, si tibi regnum
permittant homines.

For many verses Horace has been preaching against the Stoic doctrine that all sins are equal, and so deserving of exactly the same punishment. In 97–117 he has set forth the Epicurean theory of the origin of justice. 'Justice and law are man-made things. As man made them, so he may change them at will. The moment he discovers that any given punishment is too severe, he has a right instantly to change the punishment, to make it less severe. *Adsit*. . .

aequas clearly means, then, 'Let there be some punishment that shall in each case fit (but shall do no more than fit) the crime'. Now, manifestly, two possibilities must, logically, be dealt with—(1) the possibility that the punishment administered will be too great, and (2) the possibility that it will be too small. With these two possibilities in mind Horace begins, rightly enough: 'Let there be a rule which shall assign to errors (*peccatis* is a purposed understatement, an intentionally soft word for wrong doing) penalties that are fitting'.

Then, in 119, he sets forth, fully and fairly, one of the two possibilities, 'in order that, if a man deserves (only) the strap, you shall not cut him to pieces with the awful knout'. Up to this point all is clear and correct. But now the difficulty comes. Logically, Horace should have written something like *neve ferula caedas meritum maiora subire verbera*, 'and in order that you shall not cut (merely) with the ferule one who has deserved to undergo severer lashings'. That is to say, Horace should, logically, have set forth in terms the other possibility—that punishments may be too gentle, and that therefore against this extreme too there should be legislation.

But here, as so often, the logic is lost in emotion. Horace deliberately waives the expression, in set terms, of the other possibility. Of this deliberate waiving of the other possibility he serves notice by *nam*, which, here at least, marks ellipsis: '(the other possibility I do not set forth in set terms) for', etc.

If we take *non vereor*, 121, literally and unemotionally—that is, to speak plainly, as entirely without irony, then we have the crux which all editors and scholars have found in this passage, for then, on the basis of the well known distinction between *ut* and *ne* in clauses dependent on verbs of fearing (a distinction which Horace unmistakably recognizes in *Sermones* 1.4. 31–32 and 2.1.60–62), we shall have this meaning, 'I do not fear that you will not cut with the ferule one who has deserved severer punishment', which would mean, 'for I am certain that you will be too gentle'. This utterly ruins logic. Addressed to a Stoic, it is absurd. What, then, is the remedy? If one were following this discussion in English, and, after reading what we have in *Adsit. . . flagello*, 117–119, were to find Horace saying to a Stoic—upholder of the doctrine that all sins must be punished alike—'for I am sure you will be too gentle in your punishments', he would instantly, unless he were wholly without a sense of humor or logic, decide that, since Horace was sane all through the discussion to this point, he must himself interpret verse 120 in such wise as to leave Horace still sane, and he would see that there is an easy way of doing this—to take *non vereor*, 121, as ironical. Taken as ironical, *non vereor* = *pro certo vereor*, 'I do most certainly fear', and instantly *ut* is seen to be correct, to be just what Horace, who knew Latin, should have said: 'I do most certainly fear that you will not be too gentle'.

We see, now, that the point of the *nam*-clause is this: 'I emphasize, perhaps overemphasize the warning against severity in punishments, because I fear that your tendency will never be toward gentleness'.

That Horace took a grave risk in not serving warning somehow, as Cicero did by his *credo* in *Cat.* 1.5, that he was speaking ironically a study of the commentators, particularly of Mr. Housman's proposal (see the note in Mr. Gow's edition) will make clear. And yet, if he were alive to-day, he might shake his head sadly and ask whether after all Cicero fared much better, though he tried by his parenthetical *credo*, to the limit of his superb linguistic resources, to save all readers from misunderstanding.

C. K.

LEGISLATION AGAINST POLITICAL CLUBS DURING THE REPUBLIC

(Continued from page 14)

There were two fundamental differences between sodalicia and other forms of organized unions. The first was their aim, which was almost exclusively political, if indeed it was not quite so. They banded together to elect their candidate to office. The vital objection to this consisted in the fact that they did not restrict their activity to the legitimate methods of obtaining votes, but were guilty of acts of violence, and of infringements of the provisions of the laws relating to bribery. If their candidate was elected, and was prosecuted for bribery, they undertook his defense as a further obligation. The second difference consisted in the elaborate organization of the sodalicia, in contrast with the partial organization of the sodalitates, and with the loose organization of the collegia.

Cicero maintains that, in order to convict a man on a crimen sodalicium, it was first of all necessary to prove the existence of a thorough organization. The essential feature of the organization was that it was constructed on a tribal basis. The members of a tribe (*tribules*) who allied themselves with the club formed a unit, and the operation of the sodalicia was through the tribe. In elections each tribe voted separately, and the majority vote of each of the thirty-five tribes counted as one vote for or against a candidate for office. Consequently the important thing for a candidate was to secure a majority of the votes in each of eighteen tribes. To this end a candidate conducted his canvass in each of the tribes³⁶. When he wished to extend his operations beyond the mere request for votes, he would sometimes give feasts to the voters. This was done either by making a selection among the voters generally, or by entertaining them tribe by tribe³⁷. In the same manner gladiatorial contests

³⁶Suetonius, *Caes.* 41: comitia cum populo partitus est, ut . . . pronuntiarentur pro parte altera quos ipse edidisset. Et edebat per libellos circum tribus missos scriptura brevi: Caesar dictator illi tribui: Commendo vobis illum et illum, etc.; Ausonius, *Grat. Act.*, p. 704 (Tall.): tribus non circumivi, centurias non adulavi, vocatis classibus non intremui; Mamertinus Paneg. *Iul.* 16: <candidatis> tributum omnes atque etiam singuli salutandi. Compare Cicero, *Planc.* 24; *Mil.* 25.

³⁷Q. Cicero *De Pet. Cons.* 11: convivia facito et abs te et ab amicis (= sodalibus) tuis concelebrentur et passim et tributum.